

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 UNITED STATES OF AMERICA,

6 Plaintiff,

v.

7 PETER GIBNEY and ELAINE GIBNEY,

8 Defendants.

CASE NO. CR13-5568BHS

ORDER

9 This matter comes before the Court on Defendant Peter Gibney's unopposed motion to
10 continue the trial date. The Court, having considered the unopposed motion, the affidavit of
11 defense counsel Linda Sullivan in support of the motion, Defendant Elaine Gibney's joinder in
12 the motion and the Defendants' speedy trial waivers, makes the following findings of fact and
13 conclusions of law:

14 1. The defense needs additional time to receive and review discovery, some of which is
15 voluminous, to perform its own independent investigation and to conduct legal research prior to
16 filing pretrial motions and preparing for trial.

17 2. The defense needs additional time to explore all relevant issues and defenses
18 applicable to the case, which would make it unreasonable to expect adequate preparation for
19 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act
20 and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

21 3. Taking into account the exercise of due diligence, a continuance is necessary to allow
22 the defendant the reasonable time for effective preparation his defense, to explore resolution of

1 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §
2 3161(h)(7)(B)(iv).

4. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

5. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

6. Defendant Peter Gibney waived speedy trial through March 14, 2014. Defendant Elaine Gibney waived speedy trial through April 30, 2014.

NOW, THEREFORE, IT IS HEREBY ORDERED

That the trial date is continued from December 3, 2013, to February 25, 2014, at 9:00 a.m. Pretrial Conference is set for February 24, 2014, at 9:00 a.m. Pretrial Motions are due by January 15, 2014. The resulting period of delay from November 14, 2013, to February 25, 2014, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B).

Dated this 21st day of November, 2013.


BENJAMIN H. SETTLE
United States District Judge